

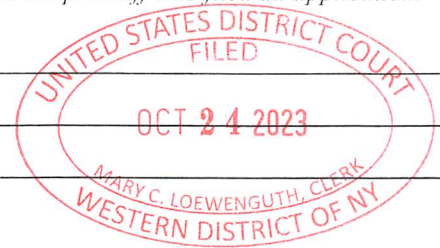
23 CV 1112-V

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT  
(Non-Prisoner Context)All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.1. CAPTION OF ACTION

**A. Full Name of Plaintiff:** **NOTE:** If more than one plaintiff files this action and seeks in forma pauperis status, *each* plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

Tamara L WATKINS



-VS-

**B. Full Name(s) of Defendant(s)** **NOTE:** Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

- |                                    |   |
|------------------------------------|---|
| 1. City of Buffalo Impound         | 4. BPD officer M. Wallenhorst                 |
| 2. Division of Parking Enforcement | 5. City of Buffalo Attorney Robert Funderburg |
| 3. Hon. Judge Peter J. Savage III  | 6.  |

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT*All of these sections **MUST** be answered*

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Arises under Federal law, Federal Question

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: Arises in Western District

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Civil Rights, personal property

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**3. PARTIES TO THIS ACTION**

**PLAINTIFF'S INFORMATION** NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: TAMARA L WATKINS

Present Address: In care of 1207<sup>th</sup> St. Apt 201 Buffalo NY 14207

Name of Second Plaintiff: \_\_\_\_\_

Present Address: \_\_\_\_\_

**DEFENDANT'S INFORMATION** NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: City of Buffalo Impound

Official Position of Defendant (if relevant): Not sure if there's a name of seller

Address of Defendant: 166 Dart St. Buffalo, NY 14213

Name of Second Defendant: Division of Parking Enforcement

Official Position of Defendant (if relevant): \_\_\_\_\_

Address of Defendant: 111 City Hall Buffalo, NY 14202

Name of Third Defendant: Hon. Judge Peter J. Savage III

Official Position of Defendant (if relevant): Criminal Court Judge

Address of Defendant: 50 Delaware Ave. Buffalo, NY 14202

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**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_

### 3. PARTIES TO THIS ACTION

#### Continued

**DEFENDANT'S INFORMATION NOTE:** *To list additional defendants, use this format on another sheet of paper.*

Name of Fourth Defendant: BPD officer M. Wallenhorst

Official Position of Defendant: (if relevant): \_\_\_\_\_

Address of Defendant: 68 Court St. Buffalo, NY 14202

Name of Fifth Defendant: City of Buffalo Attorney Robert Funderburg

Official Position of Defendant: (if relevant): \_\_\_\_\_

Address of Defendant: 65 Niagara Square, Room 1100 Buffalo NY 14202

Name of Sixth Defendant: \_\_\_\_\_

Official Position of Defendant: (if relevant): \_\_\_\_\_

Address of Defendant: \_\_\_\_\_

Name of Seventh Defendant: \_\_\_\_\_

Official Position of Defendant: (if relevant): \_\_\_\_\_

Address of Defendant: \_\_\_\_\_

Name of Eighth Defendant: \_\_\_\_\_

Official Position of Defendant: (if relevant): \_\_\_\_\_

Address of Defendant: \_\_\_\_\_

Name of Ninth Defendant: \_\_\_\_\_

Official Position of Defendant: (if relevant): \_\_\_\_\_

Address of Defendant: \_\_\_\_\_

Name of Tenth Defendant: \_\_\_\_\_

Official Position of Defendant: (if relevant): \_\_\_\_\_

Address of Defendant: \_\_\_\_\_



Defendant(s): \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

3. Docket or Index Number: \_\_\_\_\_

4. Name of Judge to whom case was assigned: \_\_\_\_\_

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☐

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check those statements which apply):

☐ Dismissed (check the statement which indicates why it was dismissed):☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;☐ By court due to your voluntary withdrawal of claim;☐ Judgment upon motion or after trial entered for☐ plaintiff☐ defendant.**5. STATEMENT OF CLAIM**

**Please note** that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

**Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

**A. FIRST CLAIM:** On (date of the incident) November 6, 2022 11-6-2022,

defendant (give the **name and (if relevant) the position held of each defendant** involved in this incident) Buffalo

Police Department employee Officer M. Wallenhorst

did the following to me (briefly state what each defendant named above did): My family's cash used paid 2009 Kia Spectra was seized and then towed to the Buffalo City Impound lot without warrant with all of my family's personal belongings inside, for traffic violations.

The federal basis for this claim is: Federal Rule of Civil Procedure 64 with NYS VAT 511-b, 5<sup>th</sup> 14<sup>th</sup> Amendment And/or Federal Rule of Criminal Procedure 32.2, As well as 18 USC 242, 18 USC 241

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

Award, compromise, settlement of claim, Clarification of Law  
\$1,000.00

**B. SECOND CLAIM:** On (date of the incident) November 7, 2022 11-7-2022,  
defendant (give the name and (if relevant) position held of each defendant involved in this incident) Division  
of Parking Enforcement

did the following to me (briefly state what each defendant named above did): Adopted, from what I've read Criminal Procedure/practice on me, clated a letter titled "NOTICE FOR ILLEGAL VEHICLE" and mailed it certified mail.

The federal basis for this claim is: Federal Rule of Civil Procedure Rule 64 - NOTES of ADVISORY committee on rules-1937, with NYS VAT 511b, and 511-G, And 18 USC 242, 18 USC 241

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

Award, Compromise, Settlement of claim, Clarification of Law  
\$500.00

If you have additional claims, use the above format to set them out on additional sheets of paper.



**C. THIRD CLAIM:** On (date of the incident) November 12, 2022-30<sup>th</sup> 11-12-2022-30<sup>th</sup>  
defendant (give the name and (if relevant) position held of each defendant involved in this incident) City of  
Buffalo Impound employees

did the following to me (briefly state what each defendant named above did): Between these days, my  
mom can and will attest, took me to the lot to retrieve our personal  
property out of the 2009 Kia Spectra and they told me "you're not  
allowed to retrieve property" and to "go file a complaint at  
City Hall."

The federal basis for this claim is: 5<sup>th</sup> Amendment, 14<sup>th</sup> Amendment, 5<sup>th</sup> Amendment

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*  
Award, compromise, settlement of claim, clarification of Law  
\$1,000.00

**D. FOURTH CLAIM:** On (date of the incident) December 30, 2022 12-20-2022  
defendant (give the name and (if relevant) position held of each defendant involved in this incident) Hon.  
Judge Peter J. Savage III.

did the following to me (briefly state what each defendant named above did): On my second  
visit to court, I inquired about being in criminal court  
versus traffic court in City Hall. He said "doesn't matter, this  
is court. I was prepared with papers and challenged  
jurisdiction, yet he glanced at them and handed them back.  
Was very quickly rushed out by two officers and rescheduled.  
to January 30, 2023.

The federal basis for this claim is: 29 USC 1109, 18 USC 241, 18 USC 242

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*  
Award, compromise, settlement of claim, clarification of Law

\$1000.00

E. FIFTH CLAIM: On (date of the incident) January 3, 2023 1-3-2023  
 defendant (give the name and (if relevant) position held of each defendant involved in this incident) City of Buffalo Impound

did the following to me (briefly state what each defendant named above did): Sold my family's 2009 Kia Spectra with all of our personal belongings inside. This date is based off the breakdown and total amount loss piece of paper I was given at a later date.

The federal basis for this claim is: 5<sup>th</sup> Amendment, 14<sup>th</sup> Amendment

State briefly **exactly** what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

Award, Compromise, Settlement of claim, Clarification of Laws \$3,200.00 that I used FRN's on + \$5,000.00 Fine

F. SIXTH CLAIM: On (date of the incident) August 1, 2023 8-1-2023  
 defendant (give the name and (if relevant) position held of each defendant involved in this incident) City of Buffalo Impound

did the following to me (briefly state what each defendant named above did): When I arrived at the impound lot immediately after the dismissal of the case, the employees couldn't find my name, it was input middle name first, then told me the 2009 Kia Spectra had been sold along with every thing in it, and given a paper that says Time of sale you owed <sup>us</sup> \$2,405.00 in towing + storage, City sold for vehicle for \$655.00 We took a loss of \$1,750.00 told that they sent a letter and given a copy of certified mail notice for illegal vehicle

The federal basis for this claim is: 18 USC 242, 14<sup>th</sup> Amendment, 18 USC 241



State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

Award, Compromise, Settlement of Claim, clarification of Law

**G. SEVENTH CLAIM:** On (date of the incident) October 20, 2023 10-20-2023

defendant (give the name and (if relevant) position held of each defendant involved in this incident) City of Buffalo attorney Robert Funderburg

did the following to me (*briefly state what each defendant named above did*): returned a call I made, inquiring about three claim forms submitted for property loss with cover sheet and photos and said he only had two of the three and he'll call back. When he did, he stated he's denying the claim, and that I owe money for parking tickets and I have a balance owed to the City Impound of \$1,750.00. When I asked how because the case was still pending when they sold it and that's against the Law his words exact were "no it's not". After a few more words he said I'm not going to argue with you and hung up on me.

The federal basis for this claim is:

18 USC 242, 5th & 14th Amendment, 18 USC 241

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

Assess and clarify Laws, Award, Compromise, Settlement of claim



**6. SUMMARY OF RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

Due to conflict of interest, court order to honor individual right to interstate travel,  
and the right to privacy upon receipt of appropriate Notice to appropriate  
agencies including description of property and personalized plate digits. Award for  
loss and fines according to Law. Total amount \$11,700.00. Award, Compromise,  
Settlement of claims, clarification of Laws. Federal Question - was this  
processed as criminal or civil.

Do you want a jury trial? Yes ☒ No ☐

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on 10/24/2023  
(date)

**NOTE:** *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

Tanara-Lynne Watkins

Signature(s) of Plaintiff(s)

JS 44 (Rev. 08/18)

## CIVIL COVER SHEET

23 CV 1112-V

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

TAMARA L. WATKINS

(b) County of Residence of First Listed Plaintiff

ERIE

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

## DEFENDANTS

City of Buffalo Impound, Division of Parking Enforcement, Hon. Judge Peter J. Savage II  
BPD Off. M. Wallenhorst, City of Buffalo Attorney Robert Funderburg

County of Residence of First Listed Defendant

ERIE

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 USC 242, 18 USC 241

Brief description of cause:

Buffalo City Impound Sold 2009 Kia Spectra before the case was over

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

11,700.00

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/24/2023 TAMARA L. WATKINS

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

LJV

MAG. JUDGE

# INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.